

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CAPITAL BUILDERS, INC. as the
General Partner of E&R PARTNERS, L.P.,
and JAMES M. ESPOSITO,

No. 2:21-cv-1069

Judge: Dodge

Plaintiffs,

v.

TOWNSHIP OF ROBINSON; RICHARD
URANO; JOSEPH J. SCHONBECK;
and MICHAEL A. DUNN,

Defendants.

NOTICE OF REMOVAL

Defendants, TOWNSHIP OF ROBINSON; RICHARD URBANO; JOSEPH J. SCHONBECK; and MICHAEL A. DUNN gives notice of removal of the above-entitled action from the Court of Common Pleas of Allegheny County, Pennsylvania to the United States District Court, Western District of Pennsylvania.

1. The above-captioned action was initiated in the Court of Common Pleas of Allegheny County, Pennsylvania on May 28, 2021 by the filing of a Praecipe for Writ of Summons followed by a Complaint being filed on July 15, 2021. (See docket and associated filings attached hereto as Exhibit “A” and Complaint attached hereto as Exhibit “B”).

2. Defendants were served with the Praecipe for Writ of Summons on June 15, 2021. (See Acceptance of Service attached hereto as Exhibit “C”).

3. The Complaint was the first notice to Defendants that Plaintiffs’ allegations created federal question jurisdiction in this case.

4. This Court has original jurisdiction of the action pursuant to 28 U.S.C. §1331 (Federal Question Jurisdiction).

5. The Court has supplemental jurisdiction over the state law claims alleged by Plaintiffs. 28 U.C.S. §1367(a).

6. This action is therefore properly removed pursuant to 28 U.S.C. §1441(a) of Title 28.

7. Notice of the filing of the Notice of Removal is being served on this date upon Plaintiffs through their counsel.

8. A true and correct copy of the Notice of Removal is being filed this date with the Department of Court Records in the Court of Common Pleas of Allegheny County, Pennsylvania.

9. Moving Defendants desire to remove this action to Federal Court as provided by law.

WHEREFORE, Defendants TOWNSHIP OF ROBINSON; RICHARD URBANO; JOSEPH J. SCHONBECK; and MICHAEL A. DUNN request that the above-captioned action be removed from the Court of Common Pleas of Allegheny County, Pennsylvania to the United States District Court for the Western District of Pennsylvania.

JURY TRIAL OF 12 DEMANDED.

Respectfully submitted,

WILLIAM J. FERREN & ASSOCIATES

Francis D. Wymard

BY:

Francis D. Wymard, Esquire
Attorney for All Defendants

CERTIFICATE OF SERVICE

I, Francis D. Wymard, Esquire, do hereby certify that I have served true and correct copy of the foregoing Notice of Removal upon the following this 12th day of August, 2021:

Douglas C. Hart, Esquire
Taylor M. Davis, Esquire
Burns White, LLC
Burns White Center
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(Attorneys for Plaintiffs)
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WILLIAM J. FERREN & ASSOCIATES

Francis D. Wymard

BY: _____

Francis D. Wymard, Esquire
Attorney for All Defendants